

PROCEEDINGS OF THE CITY-PARISH COUNCIL MEETING OF THE CITY-PARISH OF LAFAYETTE STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING OF NOVEMBER 25, 2003.

ATTENDANCE

COUNCIL: Jerry Trumps (Chair - District 6), Robert Castille (Vice Chair - District 2), Bobby Badeaux (District 1), Chris Williams (District 3), Lenwood Broussard (District 5), Marc Mouton (District 7), Rob Stevenson (District 8)

ABSENT: Louis C. Benjamin, Jr. (District 4), Randy Menard (District 9)

COUNCIL STAFF: Norma Dugas (Clerk of the Council), Veronica Williams (Assistant Clerk of the Council) and Anne Patin (Senior Administrative Assistant)

ADMINISTRATIVE STAFF: Glenn Weber (CAO), Chief Ronald Boudreaux (Police Department), Chief Robert Benoit (Fire Department), Robert Benoit (Director of Planning, Zoning and Codes), Terry Huval (Utilities Director), Tim Breaux (Director of Community Development), Tony Tramel (Director of Transportation)

COMMENCEMENT

(TAPE 1)(SIDE A)(000) AGENDA ITEM NO. 1: Call to order.

Chair Jerry Trumps called the Regular Council Meeting of November 25, 2003 to order.

(TAPE 1)(SIDE A)(001) AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance.

Councilmember Marc Mouton was called upon to deliver the invocation and lead the Pledge of Allegiance.

ANNOUNCEMENTS

- Councilmembers Menard and Benjamin will not be in attendance due to out-of-town trips.
- The applicant has withdrawn agenda Item No. 6, Appeal of Planning Commission action by the Romero family.
- Councilmembers and the Council office regarding tax bills, which were recently sent out, have received numerous calls. Trumps stated that the increase is due to the increase in millages for Fire and Police salaries to 3 mills and 2 mills in property tax approved by the voters in November, 2002.
- A report will be given during the President's report on December 2, 2003 concerning the request by Judge Edwards for the renovations of the Courthouse.

(TAPE 1)(SIDE A)(027) AGENDA ITEM NO. 3: **EXECUTIVE/PRESIDENT'S REPORT**

No report.

ORDINANCES FOR FINAL ADOPTION - ZONING

(TAPE 1)(SIDE A)(029) AGENDA ITEM NO. 4: O-292-2003 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance and the official map of the City of Lafayette, providing for the annexation of additional land into the corporate limits of the City of Lafayette, Louisiana, Case No. Z2003-013 (A) Heinen Property Annexation, located generally west of Galbert Road and north of Des Jacques Road, which is located within Council District No. 5 for voting purposes, and assigning a zoning classification of I-1 (Light Industry), motion to adopt by Broussard, seconded by Williams, and the vote was as follows:

YEAS: Badeaux, Castille, Williams, Broussard, Trumps, Mouton, Stevenson

NAYS: None

ABSENT: Benjamin, Menard

RECUSED: None

Motion was unanimously approved.

Eleanor Bouy, Zoning Manager, explained this is an annexation request for property on Des Jacques and Galbert Road. Presently, the property is vacant but the owner would like to annex to

receive the benefit of LUS utilities. PZC and the Planning Commission are recommending annexation and assigning a zoning of I-1 (Light Industrial). There was no opposition.

(TAPE 1)(SIDE A)(064) AGENDA ITEM NO. 5: O-294-2003 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance, so as to reclassify certain properties within Souvenir Heights Subdivision, Case No. Z2003-015 (CR) Cedar Crest Court Comprehensive Rezoning, located generally south of West Congress Street, east of West University Avenue, and west of Parkside Drive, from R-2 (Multi-Family Residential) to R-1-B (Single-Family Residential), motion to adopt by Williams, seconded by Stevenson, and the vote was as follows:

YEAS: Badeaux, Castille, Williams, Broussard, Trumps, Mouton, Stevenson

NAYS: None

ABSENT: Benjamin, Menard

RECUSED: None

Motion was unanimously approved.

Bouy explained that this came to PZC through the Council in the form of a resolution. The neighborhood proposed the request to rezone. This was a neighborhood request to down zone properties, therefore making the property more restrictive. The request is to rezone all the properties from R-2 (Multi-Family Residential) to R-1-B (Single-Family Residential). In this case, there was a request for a permit to construct a 4-plex on a vacant property in the neighborhood. The permit was issued because, by law, it was zoned multi-family. It was at that time that the larger neighborhood became aware of the fact that all of the properties on the southside of Congress St. were zoned multi-family. If this ordinance were approved, it would keep any other multi-family development out of the neighborhood, as it would revert back to Single-Family use only.

Williams urged support for the ordinance saying it would provide some relief, in terms of future projects, to these residents.

The following individual was recognized:

Jackson Mithrandar, resident of the area, stated that all property owners were under the assumption that the neighborhood was R-1-B based on paperwork acquired when purchasing the individual properties. He requested that the Subdivision Map book and the subdivision plat be made to coincide with each other.

APPEAL

(TAPE 1)(SIDE A)(223) AGENDA ITEM NO. 6: Appeal of Planning Commission action concerning the Dorothy Baudoin Romero property. *ITEM WAS WITHDRAWN AT THE REQUEST OF THE APPLICANT.*

DISCUSSION ITEMS

(TAPE 1)(SIDE A)(224) AGENDA ITEM NO. 7: Briefing by Planning Commission on proposed drainage policies.

Lucien Gastineau, Chairman of the Planning Commission, reported that the Planning Commission received recommendations from the L.I.N.C. Committee (Lafayette in a Century) in 2000 and received the recommended policies in 2002, which were adopted in 2003. A General Advisory Panel (GAP) was formed to study elements (12) and policies (18) and to recommend action plans to the Planning Commission to recommend to the Council. He then listed the priorities of the plan as follows:

- To increase public information on flooding causes and preventive maintenance strategies.
- To prevent expansion of existing, designated flood zone area
- To prevent a rise in existing flood elevations.
- A plan, comprehensively, and coordinate parish drainage and stormwater plan
- To fund adequate maintenance of existing drainage and stormwater facilities both natural and manmade.
- To fund adequate future drainage and stormwater facilities.
- Reduce flood insurance cost on Parish structures
- Control stormwater runoff on new developments not to exceed predevelopment runoff.

- And to mitigate flooding by existing developments.

The first item the Council can expect to receive is a resolution requesting membership to the Community Rating System (CRS). This program allows you to earn points by doing certain things. For every 500 points earned, there will be a reduction in the flood insurance cost of 5%. This is the first element of a 12-element plan. The next element will be the “Housing and Neighborhood Element”.

(TAPE 1)(SIDE A)(324) At this point, Councilmember Williams requested that City Marshal Nicky Picard send notice to Ms. Patricia Mouton to tell her she needs to go to small claims court to receive her money back. Also, let her know that although the notice came from the Police Department, on Police letterhead, it was sent out on behalf of the City Marshal and the only recourse is small claims court.

AGENDA ITEMS 11 AND 12 WERE TAKEN OUT OF SEQUENCE.

(TAPE 1)(SIDE A)(343) AGENDA ITEM NO. 11: Update on the Camellia Soundwall.

Pat Logan, Associate Director of Development and Environment, reported that bids for the project were scheduled for mid to late January. This may be extended another month due to the addition and deletion to parts of the wall. The cost to bring the wall all the way to the river would be an additional \$85,000 and to eliminate the wall in front of St. Barnabas Church will reduce cost by \$33,000 (deducted from the \$85,000). He is now waiting for direction from the Public Works Director and he was expecting to hear from him in the next couple of days. Stevenson requested that Logan notify him as soon as he has an estimate so that he could hold another meeting with the residents. Williams adamantly stated that no additional funds should be allocated for this project.

Weber, upon being asked by Stevenson for his opinion, requested time to meet with the Public Works Department and then advise Stevenson.

Stevenson opined that the section of land in question is basically unusable because it’s basically a ditch. The community would not be losing anything by that area being behind the wall. The residents in that area want the wall and it’s only about 600 feet.

Several constituents from the Camellia Blvd. area expressed their opposition to the soundwall saying the funds could be used on a more needed project in the City.

Mouton interjected that Hugh Mouton and two of his neighbors were requesting that the wall not be built in front of their homes. This would save the project approximately \$37,000. Logan responded that there are several residents asking that the wall not be built in front of their home.

Williams stated that this wall would not abate sound. He suggested that no additional funds be spent on this particular project, that it be built within budget and that consideration not be given to donate additional land to property owners when over \$9,000,000 has already been spent. Benjamin concurred.

Upon questioning by Castille, Logan stated the wall was of such material to abate sound; however, it will not abate sound because of the location of the wall. It will be more of a visual barrier. The engineers are reluctant to sign on a title sheet that says “sound abatement wall” because it doesn’t meet the engineering definition based on the location. If they want to abate the sound they would have to put it next to the roadway.

The following individuals were recognized:

M. J. Mouton (205 Eastland Drive) stated in 1999, he moved his home to Eastland (facing Camellia Blvd.) with the understanding that there would be linear park between his new location and Camellia Blvd. In 2002, the linear park was changed to a sound abatement wall. He did not want a sound wall in front of his home and he asked the Council to consider the possibility of beginning the wall on the eastern-most point of his property.

Paul Comeaux (511 Camellia Drive) opposed the sound abatement wall. He said the wall will not abate sound and is a privacy fence at taxpayers’ expense.

George Nims (209 Pickwick) opposed the sound abatement wall stating it was a waste of money and will not abate sound.

(TAPE 1)(SIDE B)(166) AGENDA ITEM NO. 12: Normandy Road resurfacing.

Joe Maniscalco, Associate Director of Operations, explained that normally it is not a policy to overlay in the gutter section of the curb and gutter; however, in this case the choice was to either not overlay the road or wait several years until monies were available to reconstruct the curb and gutter section. There was a lot of curb and gutter that was settled, cracked and out of line and that was causing drainage problems. The 1" of asphalt in the gutter provides a better grade and efficiency for the water, at present, to get to the inlets than the curb and gutter did before.

(TAPE 1)(SIDE B)(251) AGENDA ITEM NO. 8: Recognize Tony Tramel with a status on a request for a left-turn lane at Mudd Avenue (east bound) and the Evangeline Thruway.

Tony Tramel, Director of Traffic and Transportation, explained that two issues factor into this request: 1) this is part of a larger project being done on Mudd Avenue from Louisiana Avenue to Pierce Street and it may result in re-striping the roadway instead of trying to develop another lane, and 2) the Evangeline Thruway is a State highway and handles approximately 5,000 vehicles at peak hours vs. 80 vehicles on Mudd Avenue. A very solid action plan should be developed in 90 days or less. Upon questioning by Williams, Tramel explained that the 18 traffic signals on the Evangeline Thruway are synchronized to help the flow of traffic. If a change to the traffic signals were recommended, it would have to be considered very carefully.

Williams requested that this issue be placed on the last agenda of February.

(TAPE 1)(SIDE B)(328) AGENDA ITEM NO. 9: Update on the Noise Ordinance.

Tim Melancon, Alcohol & Noise Control Manager, sent in the following written report.

A list of citations reported for the month of October, 2003 and court dispositions since the ordinance was changed back to criminal (May 23, 2003 to date):

Total cases filed in Court:	429
Guilty Pleas	102
Dismissed Cases	12
Pending (waiting Ct. date):	306

Benjamin stated that out of the 429 cases in court, 74% of those cases are still pending. He asked that the Administration communicate with City Court to inquire about the backlog.

Williams requested that Tim Melancon thru Marcus Bruno, in conjunction with the Police Department and neighborhood groups, operate stings in District 3 and in January, report back on what type of stings were held in the neighborhoods and the results.

The following individual was recognized:

Patrick Brasseaux stated that the neighbor, he constantly reported for noise violation, was finally shut down. He had between 8 and 9 violations but is only going to pay for two of the violations. The excuse for the other violations is that the officers who wrote the citations are no longer with LPD.

(TAPE 1)(SIDE B)(409) AGENDA ITEM NO. 10: Identification of firms in various categories for small and emerging businesses.

Tim Breaux, Director of Community Development, presented a list of small and emerging businesses, which have been certified since the inception of the program. Preparation of a demographic map is currently in progress. A copy has been forwarded to all City-Parish Government departments for any projects that these businesses can participate in. Williams added that once a business is certified with the City-Parish, it is certified with the State of Louisiana. The next step will be to ensure that contractors begin to use these businesses.

Upon questioning by Benjamin, Breaux explained that a business can contact the Community Development Department to get certified and the business must be located in Lafayette Parish.

At this point, Trumps explained that Councilmember Menard placed Items 13 – 18 on the agenda. He could not be in attendance; however, he did send in the questions he wanted answered.

(TAPE 1)(SIDE B)(539) AGENDA ITEM NO. 13: Handling of auto accidents by Police Department.

Menard's question: The Fotis, who live across from my office, have a complaint about the police department working accidents in front of their house and pushing the vehicles off into their driveway and blocking access to their driveway. They requested to be put on the agenda. The police chief has issued a memorandum to his officers prohibiting this action otherwise there will be disciplinary action.

Mrs. Betty Foti, 2849 Verot School Road, addressed the Council. She stated that her home and business is located directly across Highway 339 from Mr. Menard's office, where a 4-lane road becomes a 2-lane road, and there is a turning lane onto La Neuville Road at this point. She pointed out that there is bumper-to-bumper traffic, she cannot get out of her driveway and when accidents occur she can not get in or out of her home. There is no median at this point of the road, there are no street lights and deep ditches lie on each side of the road. When there is an accident, many times the vehicle is moved from the road into her driveway, and glass and debris are left in her yard damaging her tires. She has reported this to the Police Department and received a response from Major Craft. In November, she received a memo from Craft instructing his officers to find alternative sites for damaged vehicles and wrecker services.

Mouton requested that Ms. Foti call in the name of the wrecker service to Chief Boudreaux when there is an accident.

(TAPE 2)(SIDE A)(006) AGENDA ITEM NO. 14: Update on Langlinias Road drainage project.

Menard's question: I want to get an update on the Langlinais Drainage Project and, of course, on these drainage projects, I would like the Council staff to take the minutes of the meeting and send to the constituents. Two months ago, John Raines said that they were going to send some engineers in the area to get some surveys done to see exactly what the problem was and to see how to proceed. It has been two months since that and I just want to know if anything has been done.

Maniscalco reported that there was still some surveying and the engineering analysis to be done. The engineering and the necessary right-of-way will be complete in the first quarter of 2004.

Menard's memo read that two months ago, John Raines said he was going to send out engineers to do surveying to see exactly what the problem was. Has anything been done?

Maniscalco answered that most of the fieldwork has been done. The project will then have to be plotted and, with the engineering workload, it is projected for the first quarter of 2004. The rights of way will be the main issue and expropriation may be necessary.

(TAPE 2)(SIDE A)(022) AGENDA ITEM NO. 15: Update on Holiday Gardens drainage project.

Menard's question: It has been over two months, last time a month ago, John Raines said that they know exactly what the problem was, they did not get surveyors to go shoot grades, etc, they knew exactly what the problem was and that was allegedly a blockage in a coulee by a farmer. Dan Melancon, they were going to move forward with the drainage ordinance to clear that. Also they were going to send survey crews inside of Holiday Gardens to take profiles to see exactly what the problems are. Furthermore, a month ago they were supposed to go back into the neighborhood to start cleaning out the roadside ditches and I don't know if they did that. I want to know where they are and what has been done. What they project will get done and when.

Maniscalco reported that surveying and checking of grades, on three streets, have been completed. An elevation and grade has been set to dig roadside ditches and that will start within the next 30 days. He did point out that the outfall was still an issue and when there are heavy rains there will still be problems. It may look worse with the deeper ditches along the roadside. A meeting with Dan Melancon needs to be set up. If Councilmember Menard would like, Public Works could set up the meeting.

The following individual was recognized:

Jaywood Paul Domingue did not wish to speak.

(TAPE 2)(SIDE A)(043) AGENDA ITEM NO. 16: Update on St. Pascal Road drainage problems.

Menard's question: This matter came up at the last council meeting and Public Works was not prepared to brief us on what was going on with that problem. According to Joe Maniscalco, they were advised that it was St. Pascal Street, not St. Pascal Road or whatever. They had a detailed memorandum so they knew exactly whom they were dealing with and who the people were. I would like a status on the project and an explanation as to why they have not done what they said they would do there.

Maniscalco reported that this is actually an off-road ditch. The request was to remove debris and reshape the ditch. Two loads of debris were removed including appliances. Mr. Chastant wanted the ditch narrowed from 8 feet wide to 3 to 4 feet. LCG agreed to put in a 30 foot crossing in order for Chastant to maintain property across the ditch and to riprap an area adjacent from a crawfish levee he has. He still maintains that he still wants the ditch reduced to 3 to 4 feet in width. As of now, there is no resolution to the problem.

(TAPE 2)(SIDE A)(065) AGENDA ITEM NO. 17: Update on Roy Guidry Road project.

Menard's question: I spoke with Steve Trumps, he was going back out to see why they did not grade the entire road. They accepted in the neighborhood 500 feet of right of way on this road. They were to go grade it, they graded 300 and some odd feet, ironically it is the same division or section of Public Works that went cut the grass only from Ted Ardoin's house, when Ted was requesting that the grass be cut in his district and likewise they came and graded half way the road in my district just prior to the election. I just want an explanation as to why that was done.

Maniscalco stated that the Council approved this project for approximately 500 feet. It's essentially a 12-foot driveway. The existing gravel road falls at about 360 feet, which is just past one of the driveways and 500 feet falls in between vacant property with another 600 feet to another concrete driveway. There is no possibility to improve the road beyond what exists there. If the Council wishes to extend the project to 600 feet, further Council action will be needed.

(TAPE 2)(SIDE A)(088) AGENDA ITEM NO. 18: Status of coulee cleaning on Garber Road.

Menard's question: Francis Olivier, 600 Garber Road, Broussard, 70518, who is the constituent who complained here, Jerry. He has called in a request to clean this coulee on his property several years back and it has not been done yet. It is now in Mark's district and I would just like to get an update on that project and get an explanation as to why nothing has been done and when they can anticipate something will be done.

Maniscalco reported that Mr. Oliver's property is in Lafayette Parish, the downstream section is in the Town of Broussard, and the pipes in the ditch are too high. Mr. Oliver cannot get in and out of his driveway when it rains because of a dip where the ditch crosses his property. A survey will be made. A joint effort between LCG and Broussard may be needed, as well as cooperation from an oilfield company (located along the ditch) who may have installed the pipes. LCG will pursue the cleaning and apply for a Corps of Engineers permit. A plan of action is forthcoming in approximately 90 to 120 days.

Trumps then requested that each of Mr. Menard's agenda items be recapped with the comments made by Maniscalco and sent to Menard for follow-up.

(TAPE 2)(SIDE A)(123) AGENDA ITEM NO. 19: Update on Cactus Road.

Maniscalco explained that this project died in rights of way acquisition. One side of the road gave rights of way; however, the other side is a family estate with 25 heirs. 13 signed, 9 refused and 3 could not be found. The length of the right of way is approximately 1300 feet. Public Works went back to the people that had given already, and they refused to give additional rights

of way. The only other alternative is to expropriate and a cost estimate has been set at \$28,000. Badeaux requested that Maniscalco double-check the figures because it seems too much money and then to provide an itemized breakdown of the estimate.

(TAPE 2)(SIDE A)(200) AGENDA ITEM NO. 20: Drainage situation on Windrush Lane.

Maniscalco reported that there are 5 driveways that are involved and problematic. Public Works is assessing who had permits and who installed the pipes, if the permits were issued, was the pipe installed to proper grade at the proper elevation, and what needs to be removed and what the property owner may be responsible for. Relatively new driveways, and some old, may have to be torn out to establish a grade to get the water out of there. He continued that he would evaluate the situation and come back with direction within 30 days. The project would then be placed in priority.

Lorrie Ardoin, 110 Windrush, explained the main problem was between 110 and 108 Windrush where the water was stagnant. The culverts at 106 and 108 seemed to be the real problem because past that the grade seemed fine.

(TAPE 2)(SIDE A)(351) AGENDA ITEM NO. 21: Hoffpauir Road “Low Spot”.

Carroll Gary, 310 Hoffpauir Road, explained that there are two (2) low spots on Hoffpauir Road. When it rains about 1 inch per hour, flooding occurs. Cars can’t pass and the Postal Service and school buses refuse to pass. That part of the road is gravel, which washes away in a heavy rain and creates an unstable road.

Maniscalco explained that a profile was done and there is a dip approximately 200 feet from Congress. The dip is approximately 2 feet lower than Congress and the cross section shows levees on each side for rice/crawfish fields and the road is 1 to 2 feet lower than the backside of the levees. The profile shows that the road would have to be raised at least 1-foot minimum. Additional rights of way will be to be acquired so that the ditches and levees will have to be moved back in order to put a cross section there. Aggregate would then be placed; however, when it gets wet it will move.

Broussard contended that the road could not be raised one additional foot. He suggested that the road be built up with aggregate and constantly maintained and that Maniscalco pursue getting rights-of-way using Mr. Gary as the contact person. Maniscalco maintained that this would not work and LCG would be exposed to liability.

COMMENTS FROM THE PUBLIC

(TAPE 2)(SIDE A)(660) AGENDA ITEM NO. 22: Comments from the public on other matters.

Irving Comeaux was no longer in attendance.

Myra Celestine addressed the Council regarding police patrol and traffic signals on Moss St. from Alexander Avenue and Gloria Switch Road. This section of Moss St. is being used as a drag strip. Her grandson died on September 29, 2003 on Moss St. when his car went out of control. He may have lived had there been police patrolling the area.

Trumps requested that the Clerk send correspondence to Chief Boudreaux expressing the concerns of Ms. Celestine.

Williams requested that Chief Boudreaux answer the following: 1) Does the Police Department have a plan to deal with speeding and the running of red lights, and 2) Can the speed limit trailer be placed in the area to warn drivers how fast they are going?

George Bentley addressed the Council regarding a “Citizen Oversight Committee” to oversee the Police Department. He felt the treatment of his son’s death was unfair because the Police report did not match the lab reports.

Trumps requested that Councilmember Menard (Police, Fire & Safety Liaison) look into the Citizen Oversight Committee. Williams suggested that Bentley contact Jeffrey Landry. Landry had received information similar to this from other states.

Don Bertrand questioned the Council concerning a Briefing to discuss the Vermilion/Lafayette Parish boundary lines.

Trumps explained that a public hearing would be held at the time of adoption (Tuesday, December 2, 2003).

Patrick Brasseaux stated there was a problem with the striping on Congress Street (eastbound coming from Bertrand Drive past the Cajundome) and asked that LCG look into it.

ADJOURN

(TAPE 2)(SIDE B)(244) There being no further business to come before the Council, Chair Trumps declared the Regular Council meeting adjourned.

NORMA A. DUGAS, CLERK
LAFAYETTE CITY-PARISH COUNCIL